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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,393	02/06/2002	Miroslav Trajkovic	US020026	8816

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EXAMINER

VU, NGOC K

ART UNIT PAPER NUMBER

2623

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/071,393	Applicant(s) TRAJKOVIC ET AL.	
	Examiner Ngoc K. Vu	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/6/02, 3/5/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 15 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, particularly, the feature "an article of manufacture for controlling a media player, comprising: a computer readable medium having computer readable code mean..." as recited in claim 15.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 is indefinite because there is no antecedent basis for the limitation "said non-user" in line 2. Examiner considers this limitation as "a non-user" for purpose of examining only. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 10, 12, 14 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Jarman (U.S. 6,889,383 B1).

Regarding claim 1, Jarman teaches a method for controlling a media player (consumer system), comprising: determining at least one rule defining a predefined non-user event (navigation object 320a provides a description 327a, i.e., "scene of bloodshed" – see col. 12, lines 10-13), said rule including at least one condition (start 321a and stop 323a) and an action item (filtering action 325a) to be performed to automatically adjust said media player when said condition is satisfied (i.e., skip or mute) (see col. 12, lines 10-19); analyzing input information (multimedia content) characterizing a non-user event (program or video) to identify said condition (see col. 12, lines 25-28); and performing said action item if said condition is satisfied (see col. 12, lines 28-36).

Regarding claim 10, Jarman teaches that the media player comprises a computer (see col. 11, lines 47-49).

Regarding claim 12, Jarman teaches that the media player comprises a television (see col. 11, lines 47-50).

Regarding claim 14, Jarman teaches an apparatus for controlling a media player (consumer system), comprising: a memory (computer readable media) for storing computer readable code (computer-executable instructions or data structure); and a processor operatively coupled to said memory (see col. 7, lines 20-62), said processor configured to: determine at least one rule defining a predefined non-user event (navigation object 320a provides a description 327a, i.e., "scene of bloodshed" – see col. 12, lines 10-13), said rule including at least one condition (start 321a and stop 323a) and an action item (filtering action 325a) to be performed to automatically adjust said media player when said condition is satisfied (i.e., skip or

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mute) (see col. 12, lines 10-19); analyze input information (multimedia content) characterizing a non-user event (program or video) to identify said condition (see col. 12, lines 25-28); and perform said action item if said condition is satisfied (see col. 12, lines 28-36).

Regarding claim 15, Jarman teaches an article of manufacture for controlling a media player (consumer system), comprising: a computer readable medium having computer readable code means (computer-executable instructions or data structure) embodied thereon (see col. 7, lines 20-62), said computer readable code means comprising: a step to determine at least one rule defining a predefined non-user event (navigation object 320a provides a description 327a, i.e., "scene of bloodshed" – see col. 12, lines 10-13), said rule including at least one condition (start 321a and stop 323a) and an action item (filtering action 325a) to be performed to automatically adjust said media player when said condition is satisfied (i.e., skip or mute) (see col. 12, lines 10-19); a step to analyze input information (multimedia content) characterizing a non-user event (program or video) to identify said condition (see col. 12, lines 25-28); and a step perform said action item if said condition is satisfied (see col. 12, lines 28-36).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jarman (U.S. 6,889,383 B1).

Regarding claims 2-3, Jarman does not teach input information is generated by an information capture device as a visual capture device. Further regarding claim 4, Jarman does

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not teach the program or the non-user event comprising a non-user appearing in the vicinity of the media player. Official Notice is taken that capturing audiovisual information comprised objects and/or characters in scenes by camera or camcorder is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Jarman by capturing audiovisual information comprised objects and/or characters by camera or camcorder for purpose of providing video.

9. Claims 5, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jarman (U.S. 6,889,383 B1) in view of Imagawa et al. (EP 0919906 A2).

Regarding claim 5, Jarman does not teach that the condition comprises detection of motion by a non-user. However, Imagawa teaches monitoring motion by a non-user such as camera (see col. 3, lines 0011). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Jarman by including detection of motion by camera as taught by Imagawa for purpose of monitoring motion.

Regarding claims 11 and 13, Jarman does not explicitly teach that the action item comprises changing a display of the computer and/or changing a program channel of the television. However, Imagawa teaches content of control or action item may include changing channels of the equipment, moving or modifying an object on the display of information equipment, wherein the equipment includes a television or a personal computer (see col. 5, 0020; col. 6-7, 0023). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Jarman by including action item of changing a display of the computer and/or changing a program channel of the television as taught by Imagawa in order to automate controlling the equipment.

10. Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jarman (U.S. 6,889,383 B1) in view of Handelman (US 6,654,721 B2).

Jarman does not explicitly teach that the condition comprises a voice signal or visual image, associated with a non-user, that does/does not match a stored profile voice signal or stored profile image. A speech recognition unit coupled to a microphone is operative to compare characteristics of voice expression to the stored speech characteristics of the subscriber, and an image processor coupled to a camera is operative to compare picture of subscriber to the stored images of the subscriber as taught by Handelman (see col. 3, lines 23-28 and col. 3, line 64 to col. 4, line 3; col. 4, lines 37-67; col. 5, lines 1-4; col. 8, lines 8-9, lines 61-6; col. 9, lines 52-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Jarman by including a speech recognition unit operative to compare characteristics of voice expression to the stored speech characteristics of the subscriber, and an image processor operative to compare picture of subscriber to the stored images of the subscriber as taught by Handelman for purpose of voice activating device to operate various functions in the system.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Logan (US 6,631,271 B1) teaches a rules-based system for monitoring the movement and relative location of a plurality of electronic devices and performing specified actions when the conditions specified in one or more rules are satisfied.

Shalvi (US 5,521,652 A) teaches a control device determines how close the person is to the video monitor and either disrupts the video signal being received by the video monitor or disrupts the power running the video monitor depending upon how close the person is standing to the video monitor.

Park et al. (US 6,460,180 B1) teach enabling an/or disabling selected types of broadcast triggers.

Gutta et al. (US 20020174426 A1) teach method and apparatus for activating a media player based on user behavior.

Gutta et al. (US 20020144259) teach method and apparatus for controlling a media player based on user activity.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ngoc K. Vu
Primary Examiner
Art Unit 2623

May 15, 2006